

# Framework for Addressing Forced and Child Marriage in the U.S. National Action Plan to End Gender Based Violence

## **Forced Marriage**

A forced marriage means a marriage to which one or both parties do not or cannot consent, and in which one or more elements of force, fraud, or coercion is present. It is not arranged marriage, in which families may take the lead, but the ultimate choice to marry remains with the individual.

When it comes to marriage, consent is multifaceted and involves consenting to being married at all, consenting to the individual marriage partner, and consenting to the timing of the marriage.

A survey conducted in 2011 found as many as [3,000 known or suspected cases of forced marriage](#) in the U.S. over just a two year period. In addition, an online survey of over 7,500 individuals estimated a [prevalence rate of forced marriage in the U.S. at 11%](#).

## **Forced Marriage as a form of Gender Based Violence**

Forced marriage is a gendered social problem, with women and girls being disproportionately targeted and harmed in the U.S. and globally. In some instances, men, boys and gender nonbinary/nonconforming individuals can also be impacted by forced marriage. All lived experiences should be included in the broader dialogue about this issue in the United States and all survivors must have access to the protections, services and support they need.

## **Broad Impact**

Forced marriage is present across communities and impacts individuals of any age, ability, gender identity, sexual orientation, socio-economic status, national origin, ethnic, religious, and or educational background in the United States. This includes multigenerational American families as well as immigrant families. Forced marriage should not be referred to as a “cultural practice” as that begs the question of “which culture”? As service providers, experts, and researchers, we know the impact of forced marriage in the U.S. is broad, with survivors from all backgrounds and walks of life coming forward year after year to share their stories. We must acknowledge our homegrown forced marriage problem while also recognizing the impact across all communities and cultures.

Forced marriage can cause immediate and lifelong harm. Consequences of forced marriage can include increased risk of domestic and sexual violence both immediately following the marriage and over the lifespan, reproductive coercion, emotional abuse, curtailed education, denial of financial independence and work opportunities, isolation from social support networks, as well as mental and physical health impacts.

## **Intersection with other forms of Harm**

Forced marriage is form of gender-based violence in its own right, even when sexual violence and other forms of harm and abuse are not present. When an individual feels they had no real

choice when it came to marriage, they have suffered a loss of power and control over their own life. More often than not, however, [forced marriage is just one part of a spectrum of other harms](#) that an individual who is forced to marry may face in their lifetime. In fact, forced marriage can lurk behind the issues that first present themselves: "...advocates speak to many women who are facing domestic violence, abuse and/or sexual assault in their marriage. Only later in these conversations does it emerge that the conditions upon which they may have been married were under duress, pressure and ultimately against their will" (Roy, 2011). For service providers and survivors alike, **it is critical to recognize and understand these links and to connect the dots between the mechanisms of power, control, and coercion that may precede a forced marriage, and the forms of abuse that can follow it.** With this increased understanding of historic and related trauma, it is more possible to effectively identify opportunities for safety and healing.

**CHILD ABUSE** - While not all forced marriage cases involve minors, a substantial number of victims are minors. A child or teenager being forced into marriage by their family may be subjected to multiple coercive tactics that, taken together, amount to child abuse. In the case of a minor, the harms that follow a forced marriage also amount to child abuse.

**DOMESTIC/FAMILY VIOLENCE** - Individuals at risk of and survivors of forced marriage may face emotional blackmail, isolation and control, economic abuse, immigration-related threats, deception, stalking, kidnapping or being held under house arrest, threats of violence, actual physical violence, death threats, and/or murder attempts from family (including extended family and in-laws), spouse and others in an attempt to get them to acquiesce to a marriage they do not want and to force them to remain married when they wish to leave.

**STALKING** - In a forced marriage situation, perpetrators - which often includes family and community members - may use stalking behaviors or take advantage of moments of natural proximity to a victim in order to exert power and control and create a severe sense of isolation, surveillance, fear, and hopelessness. Stalking behaviors often continue following the marriage in order to restrict a survivor's independent mobility and privacy, again with the intent of limiting their ability to seek help or support.

**SEXUAL ASSAULT AND RAPE** - Sexual assault and rape can be not only a consequence but also a cause of forced marriage. While it follows that non-consensual sexual conduct and behavior may follow a non-consensual marriage, advocates and researchers have also found that sexual assault and rape can be the impetus for a family or community to force or pressure an individual into marriage. A survivor who discloses sexual abuse or rape may be at heightened risk for a forced marriage due to the belief that this is the only way to avoid having the survivor and the family reputation "ruined" as such abuse can, paradoxically, bring shame upon the victim and their family. While less common, in certain instances survivors may be forced to marry their perpetrator in an attempt to shield that individual from criminal consequences and protect their reputation as well. Some may also feel that having the individual married will prevent further abuse. In addition, sexual and reproductive health and healthcare may be controlled or denied by harm-doers and laws that further restrict reproductive rights and access to healthcare, can exacerbate trauma and its impact.

**FEMALE GENITAL MUTILATION/CUTTING (FGM/C)** - While not all individuals who face forced marriage are also at risk of FGM/C, forced marriage can at times both necessitate and guarantee imminent FGM/C, and a survivor of forced marriage may have already experienced FGM/C in her lifetime given the link between marriageability and FGM/C in certain communities.

**HUMAN TRAFFICKING** - While in certain individual cases there may be overlapping dynamics, **forced marriage is distinct from human trafficking and should not be subsumed in the human trafficking framework.** Some cases of forced marriage may involve elements of human trafficking if the driving motivation for the family is financial, however, such cases are the exception and not the rule and often forced marriage cases involve other complex driving factors. Elements of forced labor can also be present in some cases of forced marriage, but again these dynamics do not often fall neatly within definitions of human trafficking at the state or federal level. The lived experience of survivors and the dynamics of forced marriage cases require a unique and nuanced survivor centered response. Perhaps most important, some survivors and communities in the U.S. have shared that the labels of “trafficking victim” (for the survivor) and “trafficker” (for family/community members) can be harmful. Such labels may do little to empower or support survivors while instead leading to further ostracization as well as potentially severe carceral consequences for family members that, for some, feel disproportionate to the harm and can impede healing and reconciliation.

### **Disproportionate Access to Resources and Safety**

Women and girls already experience barriers to services and often face dismissal of their claims from the very systems set up to prevent and respond to violence. Some survivors of forced marriage also experience intersecting and compounded oppressions including racism, homophobia, xenophobia, ageism, and ableism that impact their ability to access support and achieve safety and justice on their own terms.

Immigrant survivors also experience unique barriers to safety and justice based on their immigration status, limited English proficiency, literacy levels, history of trauma, unmet mental health needs, cultural and religious backgrounds, community isolation (which can be exacerbated in locations that are historically resource limited), and a lack of knowledge of laws, rights, resources, and systems.

It is critical to recognize that forced marriage in marginalized communities is also exacerbated by white supremacy and saviorism among service providers, advocates, and policy makers, which can inhibit help-seeking behaviors and engagement with mental health systems and other psycho-social care.

Language justice for those who have low literacy (in any language), do not speak, or read English, are deaf or hard of hearing, or are blind is also key to promoting equal access to knowledge of rights and resources as well as safety, justice and healing for all survivors.

To end forced marriage in the U.S. we must craft solutions through a lens of anti-oppression and anti-racism as this will ensure that no individual or community is left behind in our movement. Solutions crafted by centering those most marginalized will benefit all survivors, improving their effectiveness and availability across the board.

### **Arranged Marriage is Not Forced Marriage**

As previously stated, forced marriage is distinct from arranged marriage. In an arranged marriage, families may take a leading role in arranging the marriage but the choice of whether, when and whom to marry remains with the individuals to be married and their consent to the marriage, the person they are matched with, and the timing of the marriage is affirmative and ongoing.

Survivors may use different terminology to describe their situation as the term “forced marriage” is most often a term used by advocates, lawmakers, and academics. Some individuals with lived experience may use the term “forced arranged marriage” or label their experience an arranged marriage but describe it as one that lacked consent. Others may use the term “non-consensual

marriage”. It is essential in our work with survivors to allow space for individuals to name their experience for themselves and offer survivor-led support.

### **Special Considerations for LGBTQIA+ Survivors**

As with many forms of gender-based violence, forced marriage is often used to force compliance with a community’s established norms on sexuality and gender. In some families and communities, LGBTQIA+ people may be perceived as violating these norms and as a result they may be at particular risk of forced marriage, which has a long history of use as a form of abusive “conversion therapy,” particularly among religious communities.

LGBTQIA+ individuals (including those who may be questioning) who are survivors of forced marriage have often experienced multiple layers of trauma. Some may be non-consensually “outed” in a family or community that does not accept homosexuality or gender non-conformity. As a result, they may then face abuse or ostracization and/or emotional pressure and coercion - and at times threats of or actual acts of violence – in order to get them to acquiesce to a forced marriage in an abusive effort to “correct” or “cover up” their sexuality or gender identity. Others may proactively share their identity with their families and face similar abuse. The unique dynamics of harm and trauma for LGBTQIA+ survivors of forced marriage must be acknowledged and specialized services should be funded.

### **Child Marriage and Forced Marriage**

Child marriage may not be forced marriage in every instance, however, the majority of child marriages in the U.S. involve several concerning factors including that the vast majority of cases involve adult men marrying girls, with some men being decades older. In addition, state minimum age of marriage laws across the U.S. are often in [direct conflict with state laws on sexual assault of a child](#). Even when not forced, child marriage often has [devastating impacts](#), including greater vulnerability to domestic and sexual violence, increased medical and mental health problems over the lifespan, increased high school drop-out rates, an increased risk of future poverty and up to 80% divorce rates.

Nearly [300,000 minors, under age 18, were legally married in the U.S.](#) between 2000 and 2018.

Children and teens face unique obstacles when they try to resist or escape forced marriages and state laws can work against them. Before a child reaches the “age of majority” — when the law considers them to have all the rights of an adult — they may be legally [unable to take steps to protect themselves from a forced marriage](#). Limits to confidentiality when it comes to minors disclosing family abuse can impede help seeking. Those that do attempt to self-help may not be able to leave home, stay in a shelter, file for a protective order, or even file for their own divorce. Due to gaps in mandates and statutory definitions of abuse and neglect across the U.S., child protective services may also be legally unable to protect a minor from a forced marriage or from an abusive spouse once married as spouses are not considered guardians. In fact, only Texas has defined “[forcing or coercing a child to enter into a marriage](#)” under their [child abuse and neglect definitions](#).

The most effective approach to prevent the forced marriage of children and mitigate the known risks and harms of child marriage, is to [set the minimum marriage age at 18](#) (or above, if the age of majority is higher) without exceptions. This will better ensure full and free consent to marriage and guard against the personal and social costs of child marriage. In those states where an age 18 bright-line rule is not an immediate viable path forward - particularly if they have high rates of child marriage, especially lax laws, and a short legislative window - [incremental progress may be a necessary and even principled strategy](#). But lawmakers and advocates alike must commit to revisiting incremental reforms in all states and advocating for stronger laws in future legislative sessions.

Beyond minimum age of marriage legislative reform, education about the impacts of forced and child marriage and each individual's right to choose whether, when and whom to marry should be built into state-based curricula on sex education, consent, and healthy relationships.

[Investments in youth- and girl-led organizations and networks and civil society organizations](#) that work with peer-to-peer approaches, families and communities, in-person and online to provide comprehensive sexuality education are also critical to combating child, early, and forced marriages and unions.

Expanding autonomous youth access to services such as domestic violence shelters and civil legal protections designed to prevent domestic and family violence will also be critical to the prevention of forced marriages of children in the U.S. and such solutions should be pursued in tandem with marriage age reforms.

### **Pathways to Progress on Forced Marriage**

There are many ways to do this work: community level engagement, transformation, and prevention; education and empowerment; direct social and legal service provision for individuals at risk and survivors; local, state, and federal public policy advocacy; and engaging with civil legal and criminal justice systems.

There are multiple paths to and definitions of healing, accountability, and justice. Solutions must acknowledge that survivors and survivorship are not monolithic and each survivor carries with them the experience, wisdom and knowledge to lead their own paths to safety. While laws and legislation are not the sole avenue to bring about change, they can be necessary to healing, accountability, and justice for some. Every survivor's perspective and experience is unique and solutions are never one size fits all.

Some may find safety, comfort and empowerment through restorative justice mechanisms or reconciliation with those who have harmed them, others may find enrichment and acceptance with chosen family, while still others may seek and desire both. Each path is valued and necessary to make change.

For policy solutions to be effective they must be crafted through a process of deep, authentic community building and consultation with impacted communities and survivors. **A key recommendation for achieving progress on ending forced and child marriage as well as other forms of gender-based violence in the U.S. is to fund community engagement work and craft solutions that are informed by those most marginalized.**

Since 2011, the national Forced Marriage Working Group has been consulting on core priorities for addressing the problems of forced and child marriage in the U.S. and these priorities are found below:

- **Dedicated funding to raise awareness of forced marriage as a form of gender-based violence and build the capacity of existing programs to assist victims** - An individual facing a forced marriage may have only one chance to reach out for help - and if they do not find it, they may have lost their only lifeline. Yet many frontline responders and advocates still have little familiarity with forced marriage or understanding about how best to respond. Training is urgently needed to educate and empower legal and social services agencies, domestic violence and sexual assault advocates, healthcare workers, law enforcement, child protection workers, and other professionals to recognize and respond effectively to forced marriage situations. Foundation and government grant makers should clarify that forced marriage falls within the scope of grants for domestic violence, sexual assault, child abuse, and other forms of harm and should support the work of community based, culturally specific, Tribal, and Indigenous organizations and

those organizations already expert on this issue to provide training and expand programs engaging in community outreach and transformation work. Funding should also be committed to support national efforts to draft model forced and child marriage curricula to be incorporated into comprehensive sexuality education and/or lessons on consent and healthy relationships for middle and high school aged children.

- **Dedicated funding for forced marriage-specific resources and programs** - A national NGO-run helpline and resource clearinghouse for immediate support, information and referrals should be created for forced marriage victims and their advocates. A national technical assistance provider with expertise in both legal and social services should be designated to provide guidance to advocates and other professionals handling cases across the country. Community outreach programs should be prioritized, particularly those focused on transformative efforts and those working directly with families, youth, teachers, counselors, Tribal, Indigenous, and faith leaders. Funds for programs that provide direct services to forced marriage victims, including flexible cash assistance for survivors, are also urgently needed. State-level, multi-sector task forces on forced marriage that include community leaders are also key to generating state-specific action plans and fostering collaborative networks.
- **Support for a whole of government approach to prevention and response** - Funding should be dedicated to support an interagency task force to prevent forced marriage and respond to the unique needs of survivors and individuals at risk. Such a task force should include the Departments of State, Homeland Security, Education, Agriculture, Health and Human Services, Housing and Urban Development, among others. This task force should convene listening sessions with experts, advocates, and survivors in order to elicit best practices for responding to survivors and individuals at risk and priority needs. Feedback from these listening sessions should inform the unique role that each Department and agency within plays in the prevention of forced marriage (particularly cases that involve the threat of or actual cross-border travel) and the enhancement of services, programs and protocols dedicated to support individuals at risk and those seeking to leave a forced marriage.
- **Ensure access to civil protection orders to prevent forced marriage** - Civil protection orders are effective tools for preventing or reducing further harm for survivors and they are often a more accessible and survivor centered option than pursuing criminal charges. Yet current state laws often limit who can apply, who can be restrained, what actions justify such orders or are covered by them, and what kinds of terms can be included. These limitations often make a [civil option unavailable or unhelpful to forced marriage victims](#), especially minors and victims facing the threat of forced marriage abroad. Funding should be committed to support national efforts to draft model statutes and to incentivize state legislative change to ensure forced marriage dynamics are covered or to create a new kind of protection order similar to the [Forced Marriage Protection Order](#) available in the United Kingdom to provide individuals at risk of any age the opportunity to prevent known future harm.
- **Strengthen state laws on the age of consent to marry** — As stated previously, the most effective approach to prevent the forced marriages of children, and [mitigate the risks of child marriage](#), is for each state to set the legal minimum marriage age at 18 (or above, if the age of majority is higher) without exceptions. This will better ensure full and free consent to marriage and guard against the personal and social costs of child marriage. Dedicated funding for state task forces to collect statewide statistics on child marriage, examine the impact of child marriage and make policy recommendations will be critical to moving this work forward, particularly in those states that still do not track or report data on rates of child marriage.

- **Implement safeguards in federal immigration laws for marriage-based visas** — The federal government is uniquely empowered to legislate with respect to immigration. A [2019 report to the Senate Homeland Security and Government Affairs Committee](#) analyzed U.S. Citizenship and Immigration Services records and found that more than 8,500 children under age 18 had sponsored or been sponsored on marriage-based visas from FY 2007 to FY 2017. Reforms to immigration laws and policies are needed to address this problem, but they must be thoughtfully crafted to avoid harming victims and must be pursued in conjunction with state law reforms. This is important not only to recognize that children from both multi-generational American and recent immigrant families are impacted by child marriage, but also because the problem often originates at the state level, in the wide-open loopholes that facilitate child marriage in the U.S. Advisories about forced marriage should also be included in the pamphlet about domestic violence, rights and resources for victims that foreign spouses immigrating to the U.S. already receive ([IMBRA Pamphlet](#)); victims who have been forced to file immigration applications for foreign spouses should be provided a safe and confidential way to obtain information about the status of those applications and to withdraw applications before they are granted.
  - A note of caution around void and voidable marriages - updated statutes should allow for forced and child marriages to be voidable, not automatically void. Considering any such marriage automatically void if brought to the attention of a court or government agency may preclude a survivor from collecting maintenance/alimony payments as these forms of restitution require an individual to have been party to a valid marriage. Such dynamics can be leveraged by abusers to coerce survivors into staying for fear of being on their own without financial resources or a social safety net for themselves or their children. These fears can be compounded for immigrant spouses whose immigration status may be predicated upon a valid marriage which they would not want voided in the eyes of the law and instead would prefer to seek a divorce alongside relief under VAWA. Any federal level immigration legislation aimed at addressing child and forced marriage must clarify that all survivors are eligible for protections under the Violence Against Women Act for abused immigrant spouses no matter the age at which they were married.
- **Ensure that criminal justice options are available to forced marriage victims** - In our experience, very few forced marriage victims express interest in pursuing criminal charges over concern for consequences to their families and themselves. However, when victims do seek help from police, prosecutors, and courts, it is critical that they are able to access protection and justice, and that what they experienced is not excused or dismissed as a “family” or “cultural” matter. Law enforcement and others may feel they have neither the mandate nor authority to assist victims. Education and awareness raising among law enforcement about the dynamics of forced marriage situations and how they often involve acts or threats that constitute crimes (such as assault, rape, stalking or kidnapping), and that forced marriage is a specific offense in 9 states and 2 U.S. jurisdictions is a necessary first step to improving protections for survivors who seek a criminal justice response. At the same time, advocates and policymakers need to evaluate whether and where gaps in criminal justice system responses still exist and what has proven to be an effective approach to protection and deterrence. Before policymakers create any new criminal approaches to forced marriage in the United States, we urge care, caution, and that funding be allocated for consultation with survivors, impacted communities, and expert stakeholders to avoid unintended consequences to victims and to derive crucial “lessons learned” from the experiences of other countries.

*This Framework for Addressing Forced and Child Marriage in the National Action Plan to End Gender Based Violence is presented to the White House Gender Policy Council by members of the National Forced Marriage Working Group. The National Forced Marriage Working Group is facilitated by the Tahirih Justice Center and is comprised of a core group of experts and advocates, including survivors, committed to contributing deeply to efforts to address the problem of forced marriage in the United States. We focus on community level engagement, transformation, and prevention, as well as direct services, and federal and state-based policy solutions.*

*Members include community-based programs as well as national and international organizations who collectively provide direct legal and social services, engage in education and outreach, research, advocacy, and technical assistance; organizations with a specific focus on forced marriage as well as those with a broader focus on domestic violence, sexual assault, and other forms of gender-based violence; and advocates that work within and alongside one community or across many communities. The Working Group's breadth mirrors the diverse impact that forced marriage has on families and communities in or from the United States and reflects our shared commitment to improve protections and support for all survivors.*

*Our goal is to eliminate the root causes of forced marriage through education, outreach, and transformation to ensure a safer and healthier world for all. Our focus is on safety and justice for survivors, not on criminalizing or condemning families and communities. We believe in the possibilities of our communities. Through our work we seek to strengthen and uplift while addressing practices that can be harmful.*

**The below listed members of the National Forced Marriage Working Group have endorsed this Framework**

Apna Ghar, Inc. (Our Home)  
Arab-American Family Support Center  
Ashiyanaa, Inc (formerly ASHA for Women)  
Asian Pacific Institute on Gender-Based Violence (API-GBV)  
Daya Inc.  
Gangashakti  
Muslims for Progressive Values  
Naila Amin Foundation  
National Resource Center on Domestic Violence (NRCDV)  
New York Asian Women's Center DBA Womankind  
Peaceful Families Project  
Raksha, Inc  
Sakhi for South Asian Women  
Sanctuary for Families  
Tahirih Justice Center - Chair  
The National Center for Victims of Crime (NCVC)  
The National Domestic Violence Hotline (NDVH)  
There Is No Limit Foundation  
Texas Muslim Women's Foundation Inc.